

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

| | | |
|--------------------------------|---|----------------------------|
| S.J.W., A Minor |) | |
| By and Through His Parents, |) | |
| Brian Wilson and Linda Wilson, |) | |
| |) | |
| S.W.W., A Minor, |) | Case No. 12-00285-CV-W-HFS |
| By and Through His Parents, |) | |
| Brian Wilson and Linda Wilson, |) | |
| |) | |
| |) | |
| Plaintiffs, |) | |
| vs. |) | |
| |) | |
| LEE'S SUMMIT R-7 SCHOOL |) | |
| DISTRICT, <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION TO AMEND THEIR COMPLAINT

COME NOW Defendants Lee's Summit R-7 School District, David McGehee, Jack Wiley, Chris Storms, Terri Harmon, Pattie Buie and Ron Baker ("Defendants") by and through their undersigned counsel, and for their Response to Plaintiffs' Motion to Amend their Complaint, states as follows:

1. Plaintiffs seek to amend their Complaint and to file their Second Amended Complaint.
2. Plaintiffs' Complaint was filed on March 6, 2012, and Plaintiffs' First Amended Complaint was filed on March 16, 2012.
3. Defendants do not oppose the filing of Plaintiffs' Second Amended Complaint so long as (1) they are provided an opportunity to answer the same, as well as assert any affirmative or other defenses which will also clarify existing defenses and be consistent with discovery that

has occurred to date, and (2) sufficient time is provided in discovery to explore the new counts, factual allegations and damages contained in Plaintiffs' Second Amended Complaint.

a. The parties had numerous depositions scheduled (including the depositions of both students and their parents, as well as the deposition of Defendant Superintendent David McGehee). The depositions were cancelled at the request of Plaintiffs' counsel in conjunction with the withdrawal of Ms. Christina Pyle.

b. To date, the depositions have not yet been rescheduled. It is expected that following Plaintiffs' depositions, additional written discovery will be served and an expert witness will be named by the Defendants.

c. Defendants will file a motion to amend the current scheduling order once contacted by Plaintiffs' counsel regarding the rescheduling of depositions.

4. This Response is not being provided for any unjust reason or to result in any unnecessary delay, but simply to preserve the Defendants' right to adequately prepare a defense to Plaintiffs' allegations.

WHEREFORE, Defendants move the Court for an order authorizing them to file a Second Amended Answer to Plaintiffs' Second Amended Complaint, as well as sufficient time to complete discovery regarding the same, in the event that Plaintiffs are permitted to file their Second Amended Complaint. Defendants also move the Court for any further relief as the Court deems just, equitable, and appropriate under the circumstances.

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CERTIFICATE OF SERVICE

The foregoing was sent *via* U.S. Postal Service, postage prepaid, and by the CM/ECF system, of which all parties are registered users, this 25th day of October, 2012 to:

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